Reserve

from

G R S IX-5]

Previous references

Legs 19-15 S. 1-6 March 1916 U § 36 ✓ – File No 84 – 16

1916.

(Municipal)

Serial Nos 1 & 2

Later references

All. 84-16 Sls 4, 9, 12, 14-16

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1 & 2

Part B for November 1916

SUBJECT

Draft bye laws for regulating the numbering and registering of bicycles, tricycles & motor vehicles liable to taxation in the Bangalore city

To The President, Bangalore city Municipal Council

S. 3124 S. - 20 11 16

Observes that under the existing law no licences can be prosecuted for keeping vehicles and that no bye laws can be framed so as to be inconsistent with the provisions contained in Sec 82 et seq of the Municipal Regulation.

W D 58—GPS—50,000—21-9-16

Jack Jarvis
17/17

G. R. S 11] 1916-17

GENERAL AND REVENUE SECRETARIAT

(Rel)

NOTES

File No 84/16

FILE HEADING

Rules and Byelaws of the Bangalore city municipal Council

From

The Honorary President.

No. 56 Dated 14 8 16 Received 18 8 16

Diary No. 623	Enclos	Spare Copies	Serial No 1

BRIEF ABSTRACT OF LETTER

Submits for approval the draft byelaws for regulating the numbering and registering of bicycles, tricycles and Motor Vehicles liable to taxation in the Bangalore city

NOTES AND ORDERS

The byelaws are framed under clause (jj) of Sec 48 of the MM Regn VII of 1906 as amended by Regn VIII of 1915 ~~M~~ clause (jj) empowers Municipal Council to enforce the supply of such information by the inhabitants as may be necessary for the numbering & registering Vehicles but does not empower the municipal Council to enforce the taking out of licenses for keeping the Vehicles

Notes—First Sheet.

G R S 12]

General and Revenue Secretariat | Rel File No 84 of 1916-7

Serial No 2

The following remarks are Submitted for Consideration

Bylaw no 1. Ultra Vires under sec 48. ~~the~~ already exists in the form of a rule under clause (i) of Sec 46 in proper section Vide

Flag O

Bylaw no 2 The liability to furnish in Commences after an inhabitant becomes liable to the tax and not earlier Hence the words "before the tax becomes due" may be replaced by "within 15 days after the tax becomes due"

Bylaw 2a Appears unnecessary and ~~can~~ is not be covered by Sec 48 of the Regn which does not require an applⁿ for exemptions have ~~been~~ been already detailed in the Schedule appended to the rules under Sec 46 (1) & may be omitted —

Bylaw 2b.

Bylaw no 5. Appears unnecessary as the proper procedure for enforcing the

Supply of information is to prosecute the offender and make him liable to the penalty provided in Bylaw 7 (d) The procedure for the Collection of taxes due to the municipal Council has been laid down elsewhere in the Regn ~~the Rules thereunder~~ Sec 80 et seq

Bylaw no 7(d) The proper place for this is after bylaw no 6 The words "owner or Vehicle liable to the tax" appear to be necessary after "person"

NOTE—Contn sheet

G R. S 12]

General and Revenue Secretariat

File No 84 of 191 - 7

Serial No	
	Bylaw no 6 — The words "under these bylaws for which a license has not been duly taken out" may be omitted as the Vehicles become liable to taxes not under the bylaws under the rules under section 46 The words "for which a license has not been duly taken out" appear ultra vires since sec 48 clause (jj) does not emp Municipal Councils to prescribe licens
	Bylaw no 7 Ultra Vires for the above reason licenses can not be prescribed Payment of taxes prior to Registration Can not be enforced The tax has to be recovered by resorting to the procedure laid down in secs 82 et seq of the Municipal Regln
	Bylaw no 7(a) The bylaw as drafted makes it incumbent upon the owner or his agent to go to the municipal offices to obtain a disc, but on the other hand as soon as he furnishes the information required for registration the municipal Council Shall provide him with a disc in token of having registered the Vehicle It is therefore proposed to substitute for this the following bylaw —

NOTE—Contn sheet

Pr 70 000—17 1

G R. S 12]

General and Revenue Secretariat | Mel File No 84 of 1916-7

Serial No	
	7(a) Every person shall, immediately on furnishing the information required by these byelaws, be entitled to receive from the municipal council, free of cost a disc bearing the municipal register number of the vehicle and shall have it affixed in a conspicuous part of the machine.
	Byelaw 7(c) The words 'such license' will have to be omitted
	Byelaw 8 & 8(a) Ultra Vires as ~~the~~ licenses Can not be prescribed under Clause (jj) of Sec 48.
	Byelaws 9 & 9(a) - Not Covered by clause jj of Sec 48 which provides for no licenses.
	Byelaw 10 Seems unnecessary in View of the penalties provided in byelaws 7(b) & (c) If a penalty for the Continuance of the breach is Considered necessary the words beginning with 'and to - - - Continues' may be added on ~~after~~ to byelaw 7(b) - the words each time occurring therein being omitted
	Byelaw 11 The words 'Mel Council' may be Substituted for 'magistrate' and the words 'imposed for the offence' replaced by the word 'recov-

J 11

NOTE—Contn sheet

G R S 12]

General and Revenue Secretariat

Nil File No 87 of 191 7

Serial No

The two forms prescribed in Schedule 2 may Conveniently be clubbed into one as Shown hereunder as it is unnecessary for the owner to state the amount of tax he has to pay in respect of each Vehicle All that is required of him is that he Should furnish information as to the nature of the Vehicles owned by him liable to taxation and their description to permit of identification

Serial no	Description of Vehicle	No of Vehicle	Name of maker	Previous Registry no	Place in which kept	Remarks
1	Motor Car					NB In the Case of Motor Car State if it is 18 Cwts or under and in the case of a motor cycle Say if it has a side car or not
2	Motor cycle					
3	Bicycle					
4	Tricycle					
5	Auto motor					

The Condition prescribed at the end are unnecessary

(3) After orders are passed on the ~~Suggest~~ remarks Submitted above Draft transmitting the byelaws for reconsideration by the Municipal Council in the light of the observations approved will be Submitted for Consideration

KP 12916 (4) ~~Secretary~~ The Govt Advocate may

NOTE—Contn sheet

(P - (000)—17 12)

G R S 12]

General and Revenue Secretariat

This File No 84 of 1916 - J.

Serial No

19 OCT 1916

To be consulted whether Sec. 48 (iii) empowers Municipal Council to prescribe licenses (4) to insist on payment of taxes on vehicles prior to registration

16.9.16

20.9.16

Submd.

22/9/16

(5) Forwarded unofficially to the Government Advocate for favour of opinion

By order

Secretary

25/9 Forwarded

(6) The object of amending the Municipal Reg" in 1915 by giving power to the Municipal Council to make by-laws for the numbering and registration of Motor vehicles, Bicycles & Tricycles appears to be to minimise as far as possible owners of such vehicles evading payment of the taxes due thereon

NOTE.—Continued

[illegible]—73.0.13—17.12

G. R. S 12]

General and Revenue Secretariat

File No. 84 of 1916-7

Serial No.

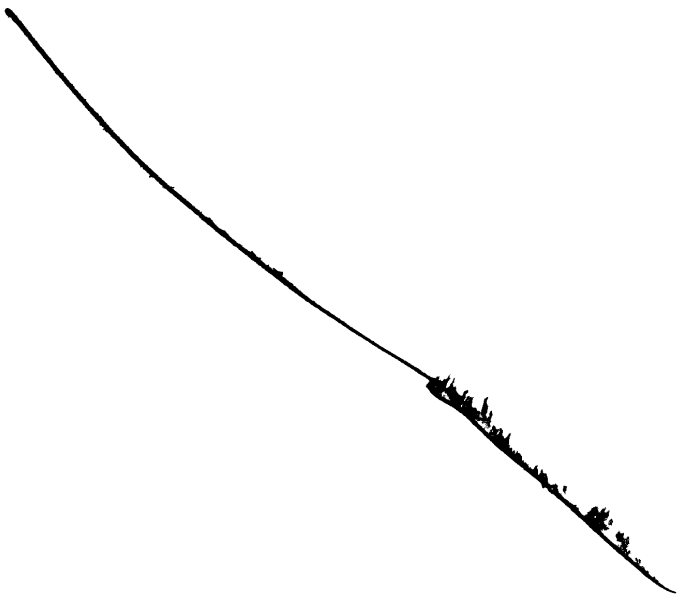
(7) As such there is no legal objection to a rule being framed making the registration of vehicles conditional upon the pre-payment of the tax due on the vehicle in respect of which registration is required. There appears to be no authority however for framing rules under S 48(JJ) prescribing licenses for such vehicles.

Leave table

C.S. 16.

Draftsman

Just Ans



NOTE—Contn sheet

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G R S 12]

General and Revenue Secretariat | File No. of 191

Serial No 8

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19/10

Ex 20/10

Part IV)

(9) The special procedure contemplated by the rule referred to in para 7 above will supersede that laid down in Chapter VIII of the Regln in so far as it relates to the recovery of Vehicle tax.

(10) Supersession of the procedure was, probably, not contemplated by the Amendment in 1915 though its object might have been to empower the municipal Council to prevent the evasion of payment of tax.

(11) The matters for consideration appear to be whether a special procedure should be prescribed for the recovery of Vehicle tax and if so whether the new rule can be framed so as to override the existing provisions of the Regulation. Submit for orders

KD
24 10 16

Dun
31 10 16

Rev Secretary)

Rec 20 10 16

The opinion of the Govt Advocate may be communicated to the Hon'ble President for consideration of the Municipal Council.

NOTE—Contn sheet

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623

G R. S 12]

General and Revenue Secretariat

Jud File No. 84 of 1916-7

Serial No.	
	for carrying the Resolution -
	(13) Byelaws cannot be framed so as to be inconsistent with the provisions of Sec 82 of the Regulation
66 2-11-16	2nd Member) 14 yes 4 3 11
	15 Dft accordingly - Asst Secy)
4/11	16 Memo (put up draft) 3 11 16
	17. Draft Submitted KP 6 XI 16 Rev. Secretary) 7/11
	18. For approval 8 11 16
70	Approved 9/11
2	The President, Muni Commission B Cdg No 3124 & 20 XI 16

observes that under the existing law no licenses can be prescribed for keeping vehicles and that no byelaws can be framed so as to be inconsistent with the provisions contained in Section 82 et seq of the Municipal Regulation

NOTE—Contn sheet

B M 109] D62

Legl 8-16-1

(10)

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED 14-8- 1916

FROM

DIWAN BAHADUR RAJA SABHA BHUSHANA
K P. PUTTANNA CHETTY, ESQ,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~General and~~ *Revenue Departments,*
Bangalore

SIR,

With reference to your letter No J 3517-23/Legis 19-15-16 dated the 28th February 1916, I have the honor to submit herewith for the sanction of Government draft bye-laws for regulating the numbering and registering of bicycles, tricycles and motor vehicles, liable to taxation in the City framed under Section 48, clause (i) (JJ) of the Mysore Municipal Regulation VII of 1906 as amended by Regulation VIII of 1915

2 The draft prepared by one of the Municipal Councillors was placed before the Managing Committee and discussed during several sittings The revised draft received the approval of the Municipal Council at their meeting of the 6th June 1916 A copy of resolution thereof is herein enclosed

3 The draft bye-laws as approved by the Municipal Council were duly published in the Mysore Gazette under Section 48 (2) of the Regulation calling for objections and suggestions within one month after the publication thereof and copies of the same were widely distri

G1 B- 2 (11)—29-5-1

18 AUG 1916-17

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Dated 14th
Despatched 15th } August 1916

Received

General No 56
No

Enclosure No three

Submitting for sanction draft bye-laws for regulating the numbering and registering of bicycles, tricycles and Motor Vehicles liable to taxation in the Bangalore city.

in the City No objections were received The subject came up finally before the Municipal Council at their meeting of the 8th Aug. 1916 and the bye-laws were passed. A copy of their resolution is herewith submitted

4 The necessity for this legislation has been long felt, the present arrangement being most unsatisfactory both to the Municipality and the public and involving considerable loss of Municipal Revenue and I request that you may be so good as to obtain early orders of Government bringing into effect the new bye-laws in the Bangalore City Municipality

I have the honor to be,

Sir,

Your most obedient servant,

Honorary President

C.R.G.

Entd 8-4-16 12

BANGALORE CITY MUNICIPALITY.

No. XVIII.

Proceedings of an adjourned ordinary meeting of the City Municipal Council, Bangalore, held in the Municipal Council Chamber at 7-30 A.M. on Tuesday the 6th June 1916.

P r e s e n t .

Dewan Bahadur Raja Sabha Bhushana
K.P. Puttanna Chetty, Esquire

R. Subba Rao, Esq., L.B., C.M.,

Fe Fernandez, Esquire.

C.V Narasimhiengar, Esq., B.A., B.L.

D.V. Gundappa, Esquire.

M. Ramachandra Rao Sindhe, Esquire.

D. Adeppa, Esquire.

G. Siddaveerappa, Esquire

S. Surappa, Esquire.

B.V. Ramaswami Chetty, Esq., B.A.,

B. Usman Khan, Esquire.

M. Subbayya, Esquire, B.A.

M. Abbas Khan, Esquire.

K. Ramaiya, Esquire

S. Venkatarama Iyer, Esq , B.A.

M.K. Krishnamurthi Rao, Esq.

G. Venkatarangiengar, Esquire.

A b s e n t .

Revd D.A. Hughes.

Father P.M. Briand.

D.B. Ramachandra Mudaliar, Esq.

B. Chinnaswami Chetty, Esq.

M. Basavayya, Esq.

B.K. Garuda Char, Esquire.

D. Venkataramaiya, Esq., B.A.

13

Draft Bye-laws for regulating the numbering and registering of bicycles and tricycles and motor vehicles, liable to Municipal taxation in the Bangalore City, as approved by the Managing Committee

Resolution - Passed with the following amendment of bye-law 7 (a) of the draft bye-laws -

"All bicycles and tricycles which have been licensed as above in the City Municipality, shall have a disc, which can be had free of cost at the office of the Collector of Municipal taxes, affixed in a conspicuous part of the machine."

Sd/- K P Puttanna Chetty,
Honorary President

---

* C O P Y *

For Hon President

C R.G

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BANGALORE CITY MUNICIPALITY.

No. III. Ent Mut 84-16-1

Proceedings of an Adjourned ordinary general meeting of the City Municipal Council, Bangalore, held at the Office premises at 7-30 A.M. on Tuesday the 6th August 1918.

Dewan Bahadur Rajah Sabhabhushana

K.P. Puttanna Chetty, Esquire.

R. Subba Rao, Esquire, B.A.C.E., L.S.Sc.

F. Fernandes, Esq.,

Revd. D.A. Rees.

Father F.X. Briand.

D.L. Ramachandra Mudaliar, Esq.

U. Basavayya, Esq.

B. Chinnaswami Chetty, Esq.

B.K. Gartide Ghar, Esq.

D.V. Mundappa, Esq.

M. Ramachandra Rao Siudhe, Esq.

D. Adeppa, Esq.

G. Siddaveerappa, Esq.

B.V. Ramaswami Chetty, Esq., B.A.

B. Usman Khan, Esq.

M. Abbas Khan, Esq.

K. Kemaiya, Esq.

S. Venkataramma Iyer, Esq., B.A

U. Venkataramaiengar, Esq.

A b s e n t .

C.V. Narasimhiengar, Esq., M.A., B.L.

N. Durappa, Esquire.

K. Subbayya, Esq., B.A.

M.A. Krishnamurthi Rao, Esq.

D. Venkataramayya, Esq., B.A.

16

Encl to Govt 84-16-1

BANGALORE CITY MUNICIPALITY

Notice No 4214, *dated* 17*th June* 1916

The Municipal Council, Bangalore City, having at their meeting held on the 6th June 1916, approved the undermentioned draft bye laws, the same are published for general information The proposed bye laws will supersede all previous ones bearing on the subject

2 Objections or suggestions in respect thereof, received within one month from the date of publication of this notice will be considered by the Council

Draft bye-laws framed under Section 48, clause (jj) of the Mysore Municipal Regulation, VII of 1906 as amended by Regulation VIII of 1915 for regulating the numbering and registering of bicycles and tricycles and motor vehicles liable to Municipal taxation in the Bangalore City

"Owner shall include any person, who is in charge of the above vehicle or vehicles

1 The tax on the above said vehicles specified in Schedule I hereto attached, at the rates mentioned therein, shall be payable yearly in advance commencing from 1st July and shall become due on the expiration of thirty days from the commencement of each year, or in the case of any such vehicle newly come into the possession of a person, on the expiration of 30 days from the date of such possession

2 The owner or person in charge of a vehicle liable to the tax, shall, before the tax becomes due, forward to the Municipal Office a statement in writing signed by him in the form set forth in Schedule 2, and containing a correct description of the vehicles owned by him or in his charge and liable to the tax

2*a* Forms of the statement will be provided on application to the Municipal Office

2*b* Cases of exemption from payment of the tax under these bye laws are given in Schedule (A) annexed

3 The President or any person authorised by him may send to any person supposed to be liable to the payment of the tax, a form, as set forth in Schedule 2, to be filled up with the required information respecting the vehicles owned or kept in his charge

4 Such forms shall be filled up signed dated and returned within one week of its receipt to the Municipal Office by the person to whom it has been sent

5 If any person to whom a form has been sent under Rule 3 omits, within one week of its receipt to fill up date, sign and return it to the Municipal Office, the President may cause to be sent to such person a bill for the amount of tax to which such person is believed to be liable, and the amount stated in such bill shall be paid at once to the Municipal Office or to the person who presents the same

6 The President or the Vice President or any person authorised by him in writing in this behalf may at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle liable to taxation under these bye laws for which a license has not been duly taken out for for verifying the statement, made under Rule 3

7 On receiving the amount of the tax payable for any vehicle, the President or some person duly authorised by him in that behalf, shall give to the person paying the same a license for such vehicle for the period in respect of which such tax was due

7*a* All bicycles and tricycles which have been licensed as above in the City Municipality, shall have a disc, which can be had free of cost at the Office of the Collector of Municipal Taxes affixed in a conspicuous part of the machine

7*b* Every person failing to get the disc so obtained affixed to a bicycle or tricycle as enjoined above shall be liable to a fine not exceeding Rs 5 each time

7*c* Every person who has received such license or disc shall, at all reasonable times during the said period produce such license or disc when required to do so by the President or the Vice President, Collector of Taxes Public Conveyance Inspector or any person authorised in this behalf to demand it production

7*d* Every person failing to comply with such requisition or making an incorrect return or causing obstruction shall be liable to a fine not exceeding Rs 5 for each time

8 Every owner or person having the charge of any vehicle of the above nature liable to tax who omits to obtain license shall be liable to a fine not exceeding Rs 50 and shall also pay the amount of the tax payable by him in respect of such vehicle or vehicles

9 On payment of the said fine and tax as aforesaid, such owner or person shall receive the license immediately for the vehicles in respect of which he has been fined, as for the period during which he has been in default

9 Each license issued as above covers the particular vehicle specified in it and cannot be transferred to any other vehicle

9a If the vehicle covered by the license changes hands to some person residing within the limits of the Bangalore City Municipality, the licensee shall present an application to the President or any one authorised in this behalf notifying the same The President shall cause the necessary entries to be made in the register of licenses and grant an endorsement to the transferee to that effect

10 Breach of any of these bye-laws or license conditions shall be liable to a fine not exceeding Rs 50 and to a further fine which may extend to Rs 5 for every day after such conviction during which the breach continues

11 Any person detecting persons who infringe these bye laws shall be paid a reward, by the Magistrate, of half the amount of fine imposed for the offence

12 All prosecutions under the above bye-laws may be instituted by a person authorised by the President or the Vice-President in this behalf

SCHEDULE 1

		Rs
1	For every motor car under 15 cwts yearly	18
2	Do above do	36
3	For every motor cycle with side car	15
4	Do without do	10
5	For bicycle, tricycle or automotor	3

SCHEDULE 2

To

Division

You are hereby required to fill in writing in the form given below, all the vehicle or vehicles owned or kept in your charge, within a week from the date of receipt of this notice under these bye-laws, failing which, you will be liable to prosecution

Collector

Municipal Office, *Dated* } Inspector

To

The President,

City Municipal Council,

Bangalore

True returns furnished by Mr under vehicle license bye laws of the Bangalore City Municipality framed under Section 48 (i) jj of the Mysore Municipal Regulation VII of 1906 as amended by Regulation VIII of 1915 for the year ending 191

The only conveyance (s) in respect of which I am liable to taxation under Schedule 1 are as follows —

	Rate	Number in possession	Total -
	Rs		
Motor car 15 cwts and under	18		
Do 18 cwts and above	36		
Motor cycle with side car	15		
Do without do	10		
Bicycles, tricycles or automotors	3		
Total			

Description

No	Description of machine Vehicle	Name of maker	Number of the machine	Previous license No	Place in which vehicle is kept
1	2	3	4	5	6

Keep at residence No Street Division

I hereby certify that I have in my possession the vehicle of the description set forth in _ and no other vehicle liable to tax under Schedule 1

Signature

Dated

Residence No Street

Condition.

Any person in possession of a vehicle without a license will be subjected to a penalty not exceeding Rs 50 in addition to the tax, in case of his omitting to fill in the form given, all the vehicles owned or kept in his charge within one week from the date of receipt of this notice or making an incorrect statement in respect thereto

SCHEDULE (A)

(*a*) Vehicles belonging to His Highness the Maharaja
(*b*) Do do Yuvaraja
(*c*) Vehicles the property of Government, unless Government consents to the levy of the tax
(*d*) Vehicles belonging to Municipality
(*e*) Juvenile vehicles, such as perambulators, etc
(*f*) Vehicles kept by carriage builders or dealers, solely for sale
(*g*) Conveyances in transit or staying within Municipal limits not longer than 30 days in any half year
(*h*) Vehicles belonging to members of the City Police and Officers of the City Municipality employed on outdoor duties Provided that not more than one vehicle shall be exempted without the special permission of the Municipal Council
(*i*) Vehicles belonging to public conveyance Proprietors

K P PUTTANNA CHETTY,
Honorary President

Copy "

for Honorary President

re cycles etc

G R S 26]

Bdg Ml File No 84
Serial No 16/2

Diary No of letter replie o

No 3124
Ml 84-16-2
dy 20/11/16

General and Revenue Secretariat
(Mysore)
, the 191

To
The ~~Chairman~~ President
Municipal Commissioner
Bangalore city

Date of issue 20/11/16

Signed by Mr P Mahadevayya Sir

With reference to your letter no 56 dated the 14th Aug 1916 forwarding for sanction draft bye laws for regulating the numbering & registering of bicycles & motor vehicles I am directed to observe that under the existing law no licenses can be prescribed for keeping such

over

SUBJECT

Ml

11

Vehicles and no byelaws can be framed so as to be inconsistent with the provisions contained in sec 82 et seq of the Municipal Regulation and to request that the byelaws may be reconsidered and revised by the Municipal Council in the light of the remarks of the York Advocate, a copy of which is herewith forwarded for information

I have etc

W. 9/11

Off Secy Work
Rec Dept

Dc

may perhaps be omitted, as the Govr does not know under what Sec. rule can be & his opinion will not therefore help Mr. C. much -

96 may also be submitted

List of enclosures
No Lem - and

W. 9/11

Copied by

Examined by

GI B—20 000—10-10-14